

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

Wesley Somers

Case No. 3-20-mj-4071

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 30, 2020 in the county of Davidson in the Middle District of Tennessee, the defendant(s) violated:

Code Section

18 U.S.C. § 844(i)

Offense Description

Malicious Destruction of Property Using Fire and Explosives

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Christopher Potts, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/03/2020

City and state:

Nashville, TN



Judge's signature

Alistair E. Newbern

Printed name and title



STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher R. Potts, having been duly sworn, hereby depose and swear to the following:

1. I, Christopher R. Potts, am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed since 2009. I am currently assigned to the Memphis Division, Nashville Resident Agency, and am assigned to the Joint Terrorism Task Force.

2. As an FBI agent, I have attended training at the FBI Academy, located in Quantico, Virginia. I have been trained in conducting a variety of investigations, including counterterrorism investigations designed to detect, penetrate, disrupt, and dismantle threats posed by domestic and international terrorists to the national security of the United States homeland and interests abroad. I have received formal and informal training regarding violations of Federal laws related to domestic and international terrorism, as well as other violations of Federal law, including gang, racketeering, and violence-related offenses. Prior to my employment with the FBI, I was a servicemember with the United States Air Force for eight (8) years.

3. The facts contained in this statement are based on personal knowledge or information learned during this investigation from law enforcement sources or from witnesses. This statement does not contain each and every detail known by your affiant regarding this investigation. Instead, this statement provides information necessary to establish probable cause to arrest the defendant, Wesley SOMERS, for a violation of Title 18, United States Code, Section 844(i). Except where indicated, all statements referenced herein are set forth in substance and in part, rather than verbatim.

4. On the afternoon of May 30, 2020, protesters gathered in downtown Nashville following the death of George Floyd in Minneapolis, Minnesota. After approximately two hours of demonstrations, protest participants began marching through various locations in downtown Nashville, passing by the Central Precinct for the Metropolitan Nashville Police Department ("MNPd"), the Nashville Convention Center, and Lower Broadway.

5. In the evening on May 30, 2020, a number of persons gathered in front of Nashville City Hall, also known as the Metro Courthouse or the historic courthouse, which is located at 1 Public Square, Nashville, Tennessee 37201, in the Middle District of Tennessee. At that time, persons using various tools, including crowbars and other objects, began smashing the windows of City Hall and spraying graffiti on the City Hall façade. One or more fires were also set inside City Hall at this time.

6. Numerous video clips and photographs of the destruction at City Hall were posted on social media websites, on the websites for news outlets, and on other Internet sites. SOMERS is depicted in video clips and photographs from that evening, shirtless and wearing beige cargo shorts. In those clips and photographs, SOMERS—whose distinctive chest tattoos portraying the words "WILD CHILD" and "HARD 2 Love," among others, are occasionally visible—is depicted attempting to smash windows of City Hall with a long object.

7. One photograph, in particular, depicted SOMERS holding an unknown accelerant, which had been set on fire, and placing the accelerant through the window of City Hall. That photograph, which was disseminated via social media, is attached to this statement as Exhibit A. SOMERS is also depicted in a video clip, which your affiant has reviewed, setting fire to an accelerant and placing it inside a window located on the exterior structure of City Hall.

8. SOMERS was later identified by the Metro Nashville Police Department (“MNPDP”), Specialized Investigation Division, via numerous citizen tips. These tips were verified via examination of booking photographs taken during SOMERS’s previous arrests.

9. MNPDP officers arrested SOMERS in connection with the conduct described above at a residence in Madison, Tennessee, on May 31, 2020. MNPDP officers later obtained SOMERS’s consent to photograph his tattoos. Among SOMERS’s tattoos were the distinctive tattoos described above.

10. City Hall houses the Office of the Mayor of Nashville, along with many state and local governmental offices.

11. City Hall partners with the Nashville Convention & Visitors Corp. (“NCVC”). According to the NCVC website, to persons familiar with the operations of the NCVC, and to other sources, the purpose of the NCVC is to maximize the economic contribution of the convention and tourism industry in Nashville by developing and marketing Nashville as a premier tourist destination. The NCVC does so by, among other things, participating in tradeshows, conducting site visits, and organizing “Roadshows,” at which the NCVC coordinates appointments and events for its members to interact with clients in the market. The NCVC has sales staff in Nashville, Chicago, Atlanta, Washington, D.C., Philadelphia, Los Angeles, Denver, and Dallas. Members of the NCVC routinely meet with Mayor’s Office personnel at City Hall, for the purpose of conducting NCVC activities and furthering the NCVC’s mission, as described above. The NCVC’s activities, for example, include leading the bid process (in partnership with the Tennessee Titans) for the National Football League’s Draft, which was held in Nashville in April 2019. The Draft drew approximately 600,000 tourists to Nashville, including tourists from around the country, and resulted in approximately \$133 million in direct spending in Nashville.

12. City Hall also houses the Office of Economic Opportunity, which the Mayor’s Office oversees, and whose functions are described on the City Hall website. The Office of Economic Opportunity runs various programs and initiatives designed to encourage economic and community development in Nashville. Those programs and initiatives include helping small business owners and entrepreneurs to start and build successful businesses; connecting job-seekers with potential employers in Nashville; and providing financial counseling, including through a partnership with the United Way of Greater Nashville. Those programs and initiatives also include promoting music and entertainment in Nashville through the Music City Music Council, which is an association of business leaders charged with developing strategies toward heightening the awareness and development of Nashville’s worldwide reputation as “Music City.” The Music City Music Council focuses on, among other things, helping entertainment-related businesses, conferences, and award shows expand or relocate to Nashville.

13. City Hall also houses managerial offices responsible for the City of Nashville's Finance Department. The Finance Department includes a Division of Grants and Accountability. One of the Division's roles is to conduct fiscal and programmatic monitoring of federal and state grants administered by various Metropolitan Nashville and Davidson County government agencies to ensure compliance with federal, state, and local laws, regulations, stated outcomes and results, and specific requirements of the grants programs.

14. Such governmental offices also include the Office of Transportation, Infrastructure, and Sustainability. According to the City of Nashville website, this office is, in part, responsible for climate change and sustainability initiatives for the City of Nashville, to include Nashville's role in the C40 Cities Climate Leadership Group ("Group"). The Group is a coalition of 94 leading cities around the world focused on tackling climate change and driving urban action that reduces greenhouse gas emissions.

15. City Hall, which houses these offices and entities (among others), is thus real property used in interstate and foreign commerce and in any activity affecting interstate and foreign commerce.

16. Based upon the foregoing, your affiant submits that there is probable cause to believe that the defendant, Wesley SOMERS, maliciously damaged or destroyed, or attempted to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, in violation of Title 18, United States Code, Section 844(i).